

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: September 19, 2002

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA02-0084 for Coastal Development Permit

PROPOSAL: Construction of a single-family residential unit on Lot 48 of Tract 14063 adjacent to an existing single-family dwelling unit on Lot 47; and, construction a covered bridge between the existing and proposed dwelling units. The addition of the bridge over the property line between the proposed new structure and the existing structure make the proposal a duplex structure, which is a permitted use on the site. All required covered parking for the duplex structure would be located in an existing 4-car garage located on Lot 47. The new construction on Lot 48 has five levels: three below grade and two above grade. The total height of the new structure above grade will not exceed the 28 feet building height envelope.

LOCATION: In the Pelican Point area of the Newport Coast Planned Community, ocean side of Pacific Coast Highway at 4 Shoreview and 6 Shoreview, Newport Coast. Fifth Supervisorial District.

APPLICANT: Steve Tsubota, property owner
Brett Combs, architect/agent

STAFF William V. Melton, Project Manager
CONTACT: Phone: (714) 834-2541 FAX: (714) 667-8344

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA02-0084 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The applicant owns lots 47 and 48 of Tract No. 14063 located in the Pelican Point area of the Newport Coast PC/LCP. Lot 47 is 18,447 square feet in area and development with an 8,338 square feet, two-story over basement, single-family dwelling. The basement area includes a 4-car garage. This lot has private streets on three sides, Pelican Point Drive on the south side and Shoreview (a cul-de-sac street) on the north and east sides. Garage access to this lot is from the east side. Lot 48 is to the west of Lot 47, is 13,227 square feet in area and is currently graded and undeveloped. To the west of Lot 48 is an existing two-story over basement single-family dwelling.

The applicant proposes to build a second residential structure on lot 48. This structure would be used as an entertainment area for the dwelling on Lot 47. The proposed structure would have 5 levels; three levels below grade and two levels above grade and a total of 19,856 square feet of area. Following is a chart showing the proposed five level structure and the main components on each level. The analysis section of this report discusses the reasons why a Coastal Development Permit is required for this proposal and why the proposal is classified as a duplex.

Level	Size (sq. ft.)	General Use
3 rd level basement	1,919	Two lane bowling alley
2 nd level basement	7,904	28 main level seats of a 44 seat two-story theater, theater foyer, wine cellar, computer game area, gym, swimming pools, piano bar and mechanical room
Upper level basement	4,315	16 balcony seats of the theater, pizza kitchen, video arcade area for over 20 machines, courtyard and access to basement of existing residence
Ground floor	3,739	Great room, kitchen, library, maids room and covered loggia to existing residence
2 nd floor	1,984	Guest suite, teen room, crafts room and covered bridge to existing residence

The project site as well as the Newport Coast PC (west of Crystal Cove State Park) and the Newport Ridge PC were annexed into the City of Newport Beach on January 1, 2002. The annexation included an agreement that the County of Orange would provide entitlement processing for these areas for two years or until a LCP was certified for Newport Beach's coastal zone. Since Newport Beach does not currently have a certified LCP for this area, the County of Orange will continue processing Coastal Development Permits using the certified Newport Coast LCP.

SURROUNDING LAND USE:

The project site is within Planning Area 9 of the Newport Coast Planned Community and has a land use designation of "Medium-Low Density Residential". Planning Area 9 also includes a portion of the Pelican Hills Golf Course, which surrounds three sides of the residential development area. The project site and surrounding site are developed or will be developed with custom-built single-family dwellings. To the north of Planning Area 9 is the Corona del Mar residential development. To the south of Planning Area 9 is Crystal Cove State Park. The photo following depicts the surrounding land use of the proposal.

**REFERRAL FOR COMMENT AND PUBLIC NOTICE:**

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Since this proposal is in the coastal zone, a Notice of Hearing was also mailed to all “occupants” within 100 feet of the site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to five County Divisions, the City of Newport Beach and the Pelican Point Homeowners Association.

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. The city of Newport Beach inquired as to if a duplex was a permitted use in the Pelican Point area, but offer no additional comments. The Pelican Point Homeowners Association previously reviewed this proposal and gave their approval on March 20, 2002.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt (Class 3, construction of limited numbers of new small structures or facilities) from the requirements of CEQA. Appendix A contains the required CEQA Finding.

DISCUSSION/ANALYSIS:

A Coastal Development Permit is required because by Zoning Code definition, the bridge and tunnel proposed between the two dwellings cross a property line making the project one building site and makes the two dwellings “attached”. Because this would create two dwelling units on one building site, the proposal is classified as a duplex. A duplex on one building site is a permitted use in Planning Area 9 of

the Newport Coast Planned Community subject to the approval of a Coastal Development Permit. Since this proposal does not conform to approved Coastal Development Permit CD89-027P, which established only single-family homes in Pelican Point, a new site specific Coastal Development Permit is required.

The proposed structure could also be considered a second residential unit. However, the maximum size permitted out right is 1,500 square feet of living area. Since the proposed structure is 13 times the maximum size permitted, a Coastal Development Permit would be required to establish alternate development standards. It should be noted, that if the proposed structure provided two covered parking spaces and the connections to the existing residence on Lot 47 were removed, the proposed structure would be a stand alone single-family dwelling, which could be constructed without the need of a Coastal Development Permit.

A Coastal Development Permit approved by the Zoning Administrator June 29, 2000 under Planning Application PA00-0042 was similar to this proposal. That proposal is located nearby on lots 33 and 34, which were developed by two single-family dwellings. PA00-0042 approved the removal of the garage area on one dwelling and the construction of a subterranean tunnel crossing the adjoining property line thereby creating one “building site”. That project was also classified as a duplex with the required parking for both units located at one dwelling. Because that project was originally two separate single-family dwellings, the project would be converted back to two single-family dwellings. That project contained a Condition of Approval that if the project was later abandoned, the project could be converted to two single-family dwelling by reincorporating the required off-street parking on both lots and removing the access in the tunnel between the two structures.

This proposal is different than the project approved under PA00-0042 in that the new structure has the walls of two of the three basement levels constructed on the property line between lots 47 and 48. The site development regulations of Planning Area 9 have no minimum setback requirements for side yard setbacks from a property line not abutting a street. The new construction conforms to all other site development standards. The new structure could in the future be possibly converted to a single-family dwelling with the addition of two covered off-street parking spaces and the removal of the connections. However, it appears that because of the building construction and design, this would be unlikely and the conversion condition included in PA00-0042 is not being included with this proposal.

The outward appearance of the existing and proposed dwellings conforms to the architectural design of other custom homes that have constructed in this area of the NCPC referred to as Pelican Point. The project has been reviewed and was approved by the Architectural Control Committee of the Pelican Point Community Association on March 20, 2002. The proposal does not look like a typical duplex project. However, since there are full kitchens in each dwelling unit and the units are connected by a structure crossing the property line, by Zoning Code definition, the proposal is two dwellings units on one building site, which is a duplex.

While the outward architectural appearance of the new construction appears to be compatible and may be acceptable to the community, the demand for parking that may be created by this project may be unacceptable to the community. If this were a commercial project, the uses proposed in the new structure (theater, video arcade, computer games, gym and other entertainment areas) according to the off-street parking regulations would require a parking demand of approximately 30 on-site parking spaces. While there are no specific requirements other than two off-street parking for a residential dwelling and a guest

space in the driveway, at over 19,000 square feet, the proposed “entertainment building” could bring a large number of the applicant’s guests to the site. Having a large number of guests come to the site at one time could overburden the limited parking available on the streets in the community.

The applicant is aware of this issue and in a supplemental letter of Explanation dated September 5, 2002, it is indicated that the applicant estimates 2 to 4 large events each year between the hours of 5pm to 10pm would take place, with approximately 50 to 70 guests per event. The letter goes on to explain that the guest would be shuttled in to the site from a local parking area. The letter did not explain where the off-site parking area would be located or what arrangements would be made to provide shuttle service. The letter did not indicate if there would be smaller events (less than 50 to 70 guests) throughout the year.

To address this parking concern, staff is recommending Condition of Approval No. 15 that reads as follows:

Prior to the issuance of a grading permit, the applicant shall submit an off-site parking and guest shuttle plan to the Manager, Current Planning Services Division for review and approval. Said plan shall be approved by the Pelican Point Community Association prior to submittal to Current Planning.

Staff assumes that the Pelican Point Community Association will enforce the parking and shuttle plan. If parking becomes a problem in the community and if the Community Association is unable to resolve a parking problem, the applicant could be in violation of this Coastal Development Permit and the Planning Commission could revoke it as provided for in Zoning Code Section 7-9-150.7.

CONCLUSION OR SUMMARY:

As stated, this is not a typical residential project. However, the proposed structure design will be compatible with surrounding development and will not look like a typical duplex. This proposal is similar in use as the project previously approved under PA00-0042. The Pelican Point Community Association has approved the project. There is a potential concern with the available street parking in the community when the applicant has a large number of guests. However, conditions of approval have been applied addressing parking concerns for large number of guests that may come to the site at one time and the assumption that the Pelican Point Community Association will enforce parking on their private streets. Staff supports the proposal and makes a recommendation as follows.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA02-0084 for Coastal Development Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

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APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation dated September 5, 2002
2. Site Photos
3. Site Plans

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$760.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana. If you challenge the action taken on this proposal in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this report, or in written correspondence delivered to the Planning and Development Services Dept.

In addition, this project is within the Coastal Zone and is an "appealable development". Approval of an appealable development may be appealed directly to the California Coastal Commission (telephone number 562-560-5071), in compliance with their regulations, without exhausting the County's appeal procedures.